

SO. CAL. EQUAL ACCESS GROUP
Jason J. Kim (SBN 190246)
Jason Yoon (SBN 306137)
101 S. Western Ave., Second Floor
Los Angeles, CA 90004
Telephone: (213) 205-6560
cm@SoCalEAG.com

Attorneys for Plaintiff
MICHAEL RHAMBO

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL RHAMBO,

Plaintiff,

vs.

VIMAL PATEL D/B/A STARDUST
MOTEL; and DOES 1 to 10,
Defendants.

Case No.:

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR DENIAL
OF CIVIL RIGHTS OF A DISABLED
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL
RIGHTS ACT;

3. CALIFORNIA'S DISABLED
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY
CODE;

5. NEGLIGENCE

Plaintiff MICHAEL RHAMBO ("Plaintiff") complains of Defendants VIMAL PATEL D/B/A STARDUST MOTEL; and DOES 1 to 10 ("Defendants") and alleges as follows:

PARTIES

1. Plaintiff is a California resident with a physical disability. Plaintiff suffers from paraplegia and is substantially limited in his ability to walk. Plaintiff requires the use of a wheelchair at all times when traveling in public.

1 2. Defendants are, or were at the time of the incident, the real property owners,
2 business operators, lessors and/or lessees of the real property for a motel (“Business”)
3 located at or about 666 E Foothill Blvd., Azusa, California.

4 3. The true names and capacities, whether individual, corporate, associate or
5 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,
6 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of
7 Court to amend this Complaint when the true names and capacities have been
8 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such
9 fictitiously named Defendants are responsible in some manner, and therefore, liable to
10 Plaintiff for the acts herein alleged.

11 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant
12 times, each of the Defendants was the agent, employee, or alter-ego of each of the other
13 Defendants, and/or was acting in concert with each of the other Defendants, and in doing
14 the things alleged herein was acting with the knowledge and consent of the other
15 Defendants and within the course and scope of such agency or employment relationship.

16 5. Whenever and wherever reference is made in this Complaint to any act or
17 failure to act by a defendant or Defendants, such allegations and references shall also be
18 deemed to mean the acts and failures to act of each Defendant acting individually, jointly
19 and severally.

20 **JURISDICTION AND VENUE**

21 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and
22 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*
23 *seq.*).

24 7. Pursuant to pendant jurisdiction, attendant and related causes of action,
25 arising from the same nucleus of operating facts, are also brought under California law,
26 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,
27 54, 54., 54.3 and 55.

28 8. Plaintiff’s claims are authorized by 28 USC §§ 2201 and 2202.

1 9. Venue is proper in this court pursuant to 28 USC §1391(b). The real
2 property which is the subject of this action is located in this district, Los Angeles County,
3 California, and that all actions complained of herein take place in this district.

4 **FACTUAL ALLEGATIONS**

5 10. In or about March of 2025, Plaintiff went to the Business.

6 11. The Business is a motel business establishment, open to the public, and is a
7 place of public accommodation that affects commerce through its operation. Defendants
8 provide parking spaces for customers.

9 12. While attempting to enter the Business during each visit, Plaintiff personally
10 encountered a number of barriers that interfered with his ability to use and enjoy the
11 goods, services, privileges, and accommodations offered at the Business.

12 13. To the extent of Plaintiff's personal knowledge, the barriers at the Business
13 included, but were not limited to, the following:

- 14 a. Defendants failed to maintain the parking space designated for
15 persons with disabilities to comply with the federal and state
16 standards. Defendants failed to maintain the mark on the space with
17 the International Symbol of Accessibility, resulting in the paint
18 becoming severely deteriorated, hindering visibility.
- 19 b. Defendants failed to maintain the parking space designated for
20 persons with disabilities to comply with the federal and state
21 standards. Defendants failed to maintain the paint on the ground as
22 required, resulting in the markings becoming severely deteriorated,
23 hindering visibility.
- 24 c. Defendants failed to comply with the federal and state standards for
25 the parking space designated for persons with disabilities. The height
26 of the posted required signages was lower than the height allowed by
27 the standards.
- 28

d. Defendants failed to maintain the parking space designated for persons with disabilities to comply with the federal and state standards. Defendants failed to provide an adequate number of accessible parking spaces designated for the persons with disabilities.

14. These barriers and conditions denied Plaintiff full and equal access to the Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and patronize the Business; however, Plaintiff is deterred from visiting the Business because his knowledge of these violations prevents him from returning until the barriers are removed.

15. Based on the violations, Plaintiff alleges, on information and belief, that there are additional barriers to accessibility at the Business after further site inspection. Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

16. In addition, Plaintiff alleges, on information and belief, that Defendants knew that particular barriers render the Business inaccessible, violate state and federal law, and interfere with access for the physically disabled.

17. At all relevant times, Defendants had and still have control and dominion over the conditions at this location and had and still have the financial resources to remove these barriers without much difficulty or expenses to make the Business accessible to the physically disabled in compliance with ADDAG and Title 24 regulations. Defendants have not removed such barriers and have not modified the Business to conform to accessibility regulations.

FIRST CAUSE OF ACTION

VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990

18. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of

1 the goods, services, facilities, privileges, advantages, or accommodations of any place of
2 public accommodation by any person who owns, leases, or leases to, or operates a place
3 of public accommodation. *See* 42 U.S.C. § 12182(a).

4 20. Discrimination, *inter alia*, includes:

- 5 a. A failure to make reasonable modification in policies, practices, or
6 procedures, when such modifications are necessary to afford such
7 goods, services, facilities, privileges, advantages, or accommodations
8 to individuals with disabilities, unless the entity can demonstrate that
9 making such modifications would fundamentally alter the nature of
10 such goods, services, facilities, privileges, advantages, or
11 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- 12 b. A failure to take such steps as may be necessary to ensure that no
13 individual with a disability is excluded, denied services, segregated or
14 otherwise treated differently than other individuals because of the
15 absence of auxiliary aids and services, unless the entity can
16 demonstrate that taking such steps would fundamentally alter the
17 nature of the good, service, facility, privilege, advantage, or
18 accommodation being offered or would result in an undue burden. 42
19 U.S.C. § 12182(b)(2)(A)(iii).
- 20 c. A failure to remove architectural barriers, and communication barriers
21 that are structural in nature, in existing facilities, and transportation
22 barriers in existing vehicles and rail passenger cars used by an
23 establishment for transporting individuals (not including barriers that
24 can only be removed through the retrofitting of vehicles or rail
25 passenger cars by the installation of a hydraulic or other lift), where
26 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).
- 27 d. A failure to make alterations in such a manner that, to the maximum
28 extent feasible, the altered portions of the facility are readily

1 accessible to and usable by individuals with disabilities, including
2 individuals who use wheelchairs or to ensure that, to the maximum
3 extent feasible, the path of travel to the altered area and the
4 bathrooms, telephones, and drinking fountains serving the altered
5 area, are readily accessible to and usable by individuals with
6 disabilities where such alterations to the path or travel or the
7 bathrooms, telephones, and drinking fountains serving the altered area
8 are not disproportionate to the overall alterations in terms of cost and
9 scope. 42 U.S.C. § 12183(a)(2).

10 21. Where parking spaces are provided, accessible parking spaces shall be
11 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every
12 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in
13 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA
14 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall
15 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

16 22. For the parking spaces, access aisles shall be marked with a blue painted
17 borderline around their perimeter. The area within the blue borderlines shall be marked
18 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting
19 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall
20 be painted on the surface within each access aisle in white letters a minimum of 12 inches
21 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §
22 11B-502.3.3.

23 23. Here, Defendants failed to provide a proper access aisle as the “NO
24 PARKING” markings, blue borderlines, and blue hatched lines painted on the parking
25 surface were poorly maintained, resulting in the markings becoming severely
26 deteriorated, hindering visibility.

27 24. The surface of each accessible car and van space shall have surface
28 identification complying with either of the following options: The outline of a profile

1 view of a wheelchair with occupant in white on a blue background a minimum 36” wide
2 by 36” high (914 mm x 914 mm). The centerline of the profile view shall be a maximum
3 of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the
4 length of the parking space and its lower side or corner aligned with the end of the
5 parking space length or by outlining or painting the parking space in blue and outlining
6 on the ground in white or a suitable contrasting color a profile view of a wheel chair with
7 occupant. See CBC § 11B-502.6.4, et seq.

8 25. Here, Defendants failed to maintain the International Symbol of
9 Accessibility painted on the surface as required, resulting in the markings becoming
10 severely deteriorated, hindering visibility.

11 26. Signs shall be 60 inches (1525 mm) minimum above the finish floor or
12 ground surface measured to the bottom of the sign. 2010 ADA Standards § 502.6.

13 27. Here, Defendants failed to post signage at the required minimum height of
14 60 inches above the finish floor or ground surface measured to the bottom of the sign.

15 28. Parking spaces complying with 502 shall be provided in accordance with
16 Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.2.3. 2010 ADA Standards
17 § 208.2. Where more than one parking facility is provided on a site, the number of
18 accessible spaces provided on the site shall be calculated according to the number of
19 spaces required for each parking facility. *Id.*

20 29. Here, Defendants failed to provide adequate numbers of accessible parking
21 spaces in its facility as there was only one accessible parking space while there were
22 about 38 regular parking spaces for the parking lot.

23 30. A public accommodation shall maintain in operable working condition those
24 features of facilities and equipment that are required to be readily accessible to and usable
25 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

26 31. By failing to maintain the facility to be readily accessible and usable by
27 Plaintiff, Defendants are in violation of Plaintiff’s rights under the ADA and its related
28 regulations.

1 32. The Business has denied and continues to deny full and equal access to
2 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be
3 discriminated against due to the lack of accessible facilities, and therefore, seeks
4 injunctive relief to alter facilities to make such facilities readily accessible to and usable
5 by individuals with disabilities.

6 **SECOND CAUSE OF ACTION**

7 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

8 33. Plaintiff incorporates by reference each of the allegations in all prior
9 paragraphs in this complaint.

10 34. California Civil Code § 51 states, “All persons within the jurisdiction of this
11 state are free and equal, and no matter what their sex, race, color, religion, ancestry,
12 national origin, disability, medical condition, genetic information, marital status, sexual
13 orientation, citizenship, primary language, or immigration status are entitled to the full
14 and equal accommodations, advantages, facilities, privileges, or services in all business
15 establishments of every kind whatsoever.”

16 35. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,
17 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable
18 for each and every offense for the actual damages, and any amount that may be
19 determined by a jury, or a court sitting without a jury, up to a maximum of three times the
20 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any
21 attorney’s fees that may be determined by the court in addition thereto, suffered by any
22 person denied the rights provided in Section 51, 51.5, or 51.6.

23 36. California Civil Code § 51(f) specifies, “a violation of the right of any
24 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)
25 shall also constitute a violation of this section.”

26 37. The actions and omissions of Defendants alleged herein constitute a denial
27 of full and equal accommodation, advantages, facilities, privileges, or services by
28 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.

1 Defendants have discriminated against Plaintiff in violation of California Civil Code §§
2 51 and 52.

3 38. The violations of the Unruh Civil Rights Act caused Plaintiff to experience
4 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory
5 damages as specified in California Civil Code §55.56(a)-(c).

6 **THIRD CAUSE OF ACTION**

7 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

8 39. Plaintiff incorporates by reference each of the allegations in all prior
9 paragraphs in this complaint.

10 40. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be
11 entitled to full and equal access, as other members of the general public, to
12 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,
13 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,
14 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes
15 of transportation (whether private, public, franchised, licensed, contracted, or otherwise
16 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,
17 places of public accommodations, amusement, or resort, and other places in which the
18 general public is invited, subject only to the conditions and limitations established by
19 law, or state or federal regulation, and applicable alike to all persons.

20 41. California Civil Code § 54.3(a) states, “Any person or persons, firm or
21 corporation who denies or interferes with admittance to or enjoyment of public facilities
22 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an
23 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for
24 the actual damages, and any amount as may be determined by a jury, or a court sitting
25 without a jury, up to a maximum of three times the amount of actual damages but in no
26 case less than one thousand dollars (\$1,000) and any attorney’s fees that may be
27 determined by the court in addition thereto, suffered by any person denied the rights
28 provided in Section 54, 54.1, and 54.2.

1 42. California Civil Code § 54(d) specifies, “a violation of the right of an
2 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also
3 constitute a violation of this section, and nothing in this section shall be construed to limit
4 the access of any person in violation of that act.

5 43. The actions and omissions of Defendants alleged herein constitute a denial
6 of full and equal accommodation, advantages, and facilities by physically disabled
7 persons within the meaning of California Civil Code § 54. Defendants have
8 discriminated against Plaintiff in violation of California Civil Code § 54.

9 44. The violations of the California Disabled Persons Act caused Plaintiff to
10 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for
11 statutory damages as specified in California Civil Code §55.56(a)-(c).

12 **FOURTH CAUSE OF ACTION**

13 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

14 45. Plaintiff incorporates by reference each of the allegations in all prior
15 paragraphs in this complaint.

16 46. Plaintiff and other similar physically disabled persons who require the use of
17 a wheelchair are unable to use public facilities on a “full and equal” basis unless each
18 such facility is in compliance with the provisions of California Health & Safety Code §
19 19955 et seq. Plaintiff is a member of the public whose rights are protected by the
20 provisions of California Health & Safety Code § 19955 et seq.

21 47. The purpose of California Health & Safety Code § 1995 et seq. is to ensure
22 that public accommodations or facilities constructed in this state with private funds
23 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of
24 Title 1 of the Government Code. The code relating to such public accommodations also
25 require that “when sanitary facilities are made available for the public, clients, or
26 employees in these stations, centers, or buildings, they shall be made available for
27 persons with disabilities.
28

1 48. Title II of the ADA holds as a “general rule” that no individual shall be
2 discriminated against on the basis of disability in the full and equal enjoyment of goods
3 (or use), services, facilities, privileges, and accommodations offered by any person who
4 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).
5 Further, each and every violation of the ADA also constitutes a separate and distinct
6 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an
7 award of damages and injunctive relief pursuant to California law, including but not
8 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

9 **FIFTH CAUSE OF ACTION**

10 **NEGLIGENCE**

11 49. Plaintiff incorporates by reference each of the allegations in all prior
12 paragraphs in this complaint.

13 50. Defendants have a general duty and a duty under the ADA, Unruh Civil
14 Rights Act and California Disabled Persons Act to provide safe and accessible facilities
15 to the Plaintiff.

16 51. Defendants breached their duty of care by violating the provisions of ADA,
17 Unruh Civil Rights Act and California Disabled Persons Act.

18 52. As a direct and proximate result of Defendants’ negligent conduct, Plaintiff
19 has suffered damages.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff respectfully prays for relief and judgment against
22 Defendants as follows:

23 1. For preliminary and permanent injunction directing Defendants to comply
24 with the Americans with Disability Act and the Unruh Civil Rights Act;

25 2. Award of all appropriate damages, including but not limited to statutory
26 damages, general damages and treble damages in amounts, according to proof;

27 3. Award of all reasonable restitution for Defendants’ unfair competition
28 practices;

1 4. Reasonable attorney's fees, litigation expenses, and costs of suit in this
2 action;

3 5. Prejudgment interest pursuant to California Civil Code § 3291; and

4 6. Such other and further relief as the Court deems just and proper.

5 **DEMAND FOR TRIAL BY JURY**

6 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby
7 demands a trial by jury on all issues so triable.

8
9 Dated: June 16, 2025

SO. CAL. EQUAL ACCESS GROUP

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11
12 By: /s/ Jason J. Kim
13 Jason J. Kim, Esq.
14 Attorneys for Plaintiff
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